

**BILL NO. 2018-**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND LVMC TITLES 6 AND 19 TO ADOPT PROVISIONS ESTABLISHING A BUSINESS LICENSE CATEGORY AND LAND USE REGULATIONS FOR MARIJUANA CONSUMPTION LOUNGES, TOGETHER WITH ACCOMPANYING REQUIREMENTS AND LIMITATIONS; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Council

Summary: Amends LVMC Titles 6 and 19 to adopt provisions establishing a business license category and land use regulations for marijuana consumption lounges, together with accompanying requirements and limitations.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 6.96, consisting of Sections 10 to 100, inclusive, reading as follows:

**6.96.010:** As used in this Chapter:

“Marijuana” has the meaning ascribed to it in NRS Chapter 453D.

“Marijuana consumption lounge” means a business which offers, as its principal or a primary activity, a location and equipment for the consumption of marijuana or marijuana products.

“Marijuana paraphernalia” has the meaning ascribed to it in NRS 453D.030 and means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

“Marijuana products” has the meaning ascribed to it in NRS 453D.030 and means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

“State regulating authority” means the Department of Taxation of the State of Nevada and/or any

1 other agency assigned to administer NRS 453D.

2 **6.96.020:** (A) No person shall engage in business as a marijuana consumption lounge within the  
3 City without first obtaining a marijuana consumption lounge business license pursuant to this Chapter. The  
4 license shall be a privileged license subject to the provisions of LVMC Chapter 6.06. In addition to any  
5 other condition that may be imposed upon a business license pursuant to Title 6, the City Council may issue  
6 a time-limited license or otherwise condition a license to a specified duration.

7 (B) A marijuana consumption lounge is authorized to sell, provide or distribute  
8 marijuana paraphernalia. Sales of such paraphernalia shall be subject to a general retail license, with  
9 license fees to be based on gross sales pursuant to LVMC 6.04.005.

10 (C) If the applicant for a marijuana consumption lounge license under this Chapter is  
11 someone other than the owner of the property on which the marijuana consumption lounge will be located,  
12 the applicant must provide, in connection with the license application, written confirmation by the property  
13 owner that the owner is fully aware of the property's intended use.

14 **6.96.030:** In addition to any other requirements for a license application that is subject to NRS  
15 Chapter 6.06, the applicant for a marijuana consumption lounge license under this Chapter must submit the  
16 following:

17 (A) A written statement acknowledging that the applicant understands applicable  
18 federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of  
19 Nevada and the laws and regulations of the City applicable thereto concerning the operation of an  
20 establishment. The written statement shall also acknowledge that any violation of any laws or regulations  
21 of the State of Nevada or of the City, or any activity in violation of any guidance or directives issued by the  
22 U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of  
23 any legal proceeding relating to such establishment by federal authorities, may render the permit and such  
24 license subject to immediate suspension or revocation.

25 (B) A written statement to the Director that the applicant will hold harmless,  
26 indemnify, and defend the City against all claims and litigation arising from the issuance of a permit and/or

1 license, including any claims and litigation arising from the establishment, operation, or ownership of the  
2 establishment, and that a bond to secure such obligation in an amount required pursuant to LVMC 6.95.090  
3 will be provided prior to the issuance of any license.

4 (C) An acknowledgement that the applicant is seeking a privilege under LVMC  
5 Chapter 6.06 and understands that each principal must be found suitable to hold such license by the City  
6 Council prior to the issuance of any license; that the applicant understands and acknowledges that the  
7 burden of proving qualifications to receive a license is at all times on the applicant; that the granting of a  
8 license is at the discretion of the City Council; and that the applicant agrees to abide by the decision.

9 **6.96.040:** Before the issuance of a license pursuant to this Chapter, a marijuana consumption lounge  
10 must submit:

11 (A) For approval by the Department, a security plan designed to ensure compliance  
12 with this Chapter.

13 (B) For approval by the Department of Fire and Rescue, a fire safety plan designed to  
14 ensure the safety of employees, patrons and the public.

15 **6.96.050:** Each employee of a marijuana consumption lounge must first obtain and maintain a valid  
16 work card pursuant to LVMC Chapter 6.86.

17 **6.96.060:** It is unlawful for an employee or principal of an licensee to be intoxicated or under the  
18 influence of alcohol, marijuana or marijuana products while working on the premises during business  
19 hours.

20 **6.96.070:** It is unlawful for any business subject to licensing as a consumption lounge to:

21 (A) Employ a person under the age of twenty-one years (or allow such an employee) to  
22 handle marijuana, marijuana products or marijuana paraphernalia.

23 (B) Allow any person under the age of twenty-one years inside the establishment.

24 (C) Sell, provide or distribute marijuana, marijuana products within or on the premises  
25 of a marijuana consumption lounge.

26 (D) Allow the consumption of marijuana or marijuana products within the view of the

1 general public from outside the establishment.

2 (E) Allow within the establishment the use of any paraphernalia or equipment that  
3 does not comply with the fire safety plan approved by the Department of Fire and Rescue.

4 (F) Allow the delivery to the establishment of marijuana or marijuana products except  
5 in accordance with applicable requirements of the State regulating authority.

6 (G) Provide or allow live entertainment on the premises unless pursuant to a nightclub  
7 license issued for the premises.

8 (H) Provide or allow on the premises the sale or consumption of alcoholic beverages.

9 (I) Store marijuana or marijuana products on the premises or allow such storage on  
10 the premises.

11 **6.96.080:** Each marijuana consumption lounge shall:

12 (A) Comply with the odor control and disposal requirements that are set forth in  
13 LVMC 6.95.130 and 6.95.180, respectively, regarding other marijuana-related establishments.

14 (B) Comply with the requirements of the security plan and fire safety plan approved  
15 pursuant to LVMC 6.96.040.

16 (C) Be responsible for maintaining and conducting all activities upon, and providing  
17 security and security measures for, the premises in accordance with applicable statutes, regulations,  
18 ordinances, license conditions, and the approved security and fire safety plans.

19 (D) Not knowingly permit upon the premises any violation of applicable statutes,  
20 regulations, ordinances, license conditions, or the approved security and fire safety plans, or permit  
21 nuisances or other activities that endanger the health or safety of patrons, employees or the public.

22 (E) Provide a twenty-four-hour surveillance system to monitor the interior and exterior  
23 of the premises, a live feed of which must be accessible to authorized law enforcement at all times and in  
24 real-time.

25 (F) Ensure that at least one qualified person is on the premises at all times during the  
26 hours of operation. For purposes of this subsection, “qualified person” means a principal or key employee

1 who has been approved for suitability pursuant to LVMC 6.06.060.

2 **6.96.090:** In addition to and independent of any other remedy available under this Title, the Director  
3 or Metro may suspend a license immediately for a period not to exceed ten days under any of the following  
4 circumstances:

5 (A) Alcoholic beverages have been sold or served or are found on the premises.

6 (B) Employees of the establishment are found in possession of illegal substances.

7 (C) Employees of the establishment have consumed marijuana or marijuana products  
8 while working.

9 (D) Marijuana or marijuana products are being stored on the premises.

10 **6.96.100:** Nothing in this Chapter is intended to limit the application of State law and regulations  
11 governing marijuana products, drug paraphernalia, marijuana paraphernalia or substances that are classified  
12 or to be classified as controlled substances under State law and regulations, including without limitation  
13 NRS Chapters 453, 453A and 453D, and regulations adopted thereunder. Businesses subject to this  
14 Chapter are subject to the compliance with State law and regulations in accordance with the terms thereof,  
15 notwithstanding any provisions of the Chapter that pertain specifically to and are an exercise of the City's  
16 licensing and regulatory powers and jurisdiction.

17 SECTION 2: Title 6, Chapter 86, Section 50, of the Municipal Code of the City of Las  
18 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.86.050:** Applicants for a work card for the following are subject to the provisions of Section  
20 6.86.060:

21 (A) Employees of adult nightclub establishments licensed under Chapter 6.06B;

22 (B) Employees of erotic dance establishments licensed under Chapter 6.35; [and]

23 (C) Employees of medical marijuana establishments and marijuana establishments  
24 licensed under Chapter 6.95[.]; and

25 (D) Employees of marijuana consumption lounges licensed under Chapter 6.96.

26 SECTION 3: Ordinance No. 6289 and the Unified Development Code adopted as Title

1 19 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby amended as set forth  
2 in Sections 4 and 5 of this Ordinance. The amendments in those Sections are deemed to be amendments to  
3 both Ordinance No. 6289 and the Unified Development Code adopted as Title 19.

4 SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section  
5 10, is hereby amended by providing that the use “Marijuana Consumption Lounge” is permitted by means  
6 of special use permit in the C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the  
7 use “Marijuana Consumption Lounge” shall be added at the appropriate location and the letter “S” shall be  
8 inserted in the box that represents the intersection of the row for the use “Marijuana Consumption Lounge”  
9 and each of the columns for the C-1, C-2, C-M and M Zoning Districts.

10 SECTION 5: Title 19, Chapter 12, Section 70, is hereby amended by adding thereto, at  
11 the appropriate location, an entry for the use “Marijuana Consumption Lounge” to read as follows:

12 **Marijuana Consumption Lounge**

13 **Description:** A business which offers, as its principal or a primary activity, a location and equipment for  
14 the consumption of marijuana or marijuana products.

15 **Minimum Special Use Permit Requirements:**

16 \*1. Pursuant to its general authority to regulate the use of marijuana within business establishments, the  
17 City Council declares that the public health, safety and general welfare of the City are best promoted and  
18 protected by generally requiring a minimum separation between a marijuana consumption lounge and  
19 certain other uses that should be protected from the impacts associated with a marijuana consumption  
20 lounge. Therefore, except as otherwise provided below, no marijuana dispensary may be located within  
21 1000 feet of any school, or within 300 feet of any of the following uses:

- 22 a. City park;
- 23 b. Church/house of worship;
- 24 c. Individual care - family home, individual care - group home, or individual care center (in each  
25 case licensed for the care of children);
- 26 d. Community recreational facility (public); or

1 e. Any use whose primary function is to provide recreational opportunities to minors. Such uses  
2 include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or  
3 museum (public); teen dance center; and martial arts studio that provides instruction to minors.

4 \*2. The distance separation referred to in Requirement 1 shall be measured with reference to the shortest  
5 distance between two property lines, one being the property line of the proposed marijuana consumption  
6 lounge which is closest to the existing use to which the measurement pertains, and the other being the  
7 property line of that existing use which is closest to the proposed marijuana consumption lounge. The  
8 distance shall be measured in a straight line without regard to intervening obstacles.

9 \*3. For the purpose of Requirement 2, and for that purpose only:

10 a. The “property line” of a protected use refers to the property line of a fee interest parcel that has  
11 been created by an approved and recorded parcel map or subdivision map, and does not include the  
12 property line of a leasehold parcel; and

13 b. The “property line” of a marijuana dispensary refers to:

14 i. The property line of a parcel that has been created by an approved and recorded parcel  
15 map or commercial subdivision map; or

16 ii. The property line of a parcel that is located within an approved and recorded commercial  
17 subdivision and that has been created by a record of survey or legal description, if:

18 A. Using the property line of that parcel for the purpose of measuring the distance  
19 separation referred to in Requirement 1 would qualify the parcel under the distance separation requirement;

20 B. The proposed marijuana dispensary will have direct access (both ingress and  
21 egress) from a street having a minimum right-of-way width of 100 feet. The required access may be shared  
22 with a larger development but must be located within the property lines of the parcel on which the proposed  
23 marijuana dispensary will be located;

24 C. All parking spaces required by this Section 19.12.070 for the marijuana dispensary  
25 use will be located on the same parcel as the use; and

26 D. The owners of all parcels within the commercial subdivision, including the owner

1 of agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress  
2 and egress throughout the commercial subdivision.

3 \*4. The use shall conform to, and is subject to, the provisions of LVMC Title 6, as they presently exist  
4 and may be hereafter amended.

5 \*5. Subject to the requirements of applicable building and fire codes, public access to the building shall  
6 be from one point of entry and exit, with no other access to the interior of the building permitted.

7 \*6. The Special Use Permit shall be void without further action if the uses ceases for a period exceeding  
8 90 days.

9 **On-site Parking Requirement:** One space for each \_\_\_\_ persons at maximum capacity.

10 SECTION 6: For purposes of Section 2.100(3) of the City Charter, Sections 19.12.010  
11 and 19.12.070 are deemed to be subchapters rather than sections.

12 SECTION 7: The Department of Planning is authorized and directed to incorporate into  
13 the Unified Development Code the amendments set forth in Sections 4 and 5 of this Ordinance.

14 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or  
15 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
16 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
17 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City  
18 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,  
19 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,  
20 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

21 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared to  
22 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required  
23 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of  
24 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon  
25 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of  
26 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation



1 of this ordinance shall constitute a separate offense.

2 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,  
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983  
4 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

6 APPROVED:

7  
8 By \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 \_\_\_\_\_  
11 LUANN D. HOLMES, MMC  
City Clerk

12 APPROVED AS TO FORM:

13 \_\_\_\_\_  
14 Val Steed, Date  
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the \_\_\_\_\_  
2 day of \_\_\_\_\_, 2018, and referred to a committee for recommendation, the committee  
3 being composed of the following members \_\_\_\_\_;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2018, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council as first  
7 introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11 APPROVED:

12  
13 By \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 \_\_\_\_\_  
16 LUANN D. HOLMES, MMC  
City Clerk

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